

Remarks/Arguments

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

Claims 5 and 6 have been objected to but were indicated to be patentable if rewritten in independent form. Thus, original claims 5 and 6 have been rewritten in independent form as new claims 30 and 31, respectively. Accordingly, new claims 30 and 31 should be patentable.

Claims 1, 4-8, 10, 16, 18, 21-22, 24 and 26 have been amended.

Claims 3 and 20 have been canceled. Accordingly, their rejection is now moot.

Claims 1-4, 10-15 and 17-29 have been rejected as being anticipated by US 5,313,197 to Barr et al. ("Barr").

It is respectfully submitted that Barr does not disclose an independent transmission monitor for receiving wireless messages transmitted by a transmitter, as recited in amended claim 1. As shown in Fig. 2 of Barr, the controller 106 is coupled to a wireless transmitter and receiver. In Barr, the controller compares information transmitted by the transmitter to information received by the receiver in order to determine whether transmitted pages were correctly received by the receiver (See Barr, Col. 15, Lines 5-18). However, since the controller disclosed in Barr is coupled to both the transmitter and receiver, the controller is not an independent transmission monitor. Furthermore, Barr does not disclose an independent transmission monitor comprising a monitor timer for tracking time lapsed since receipt by the independent transmission monitor of a wireless message

and a second action trigger for triggering at least one system integrity action and resetting the monitor timer where the time tracked by the monitor timer exceeds a second predetermined period. Barr discloses that the controller can enable a timer or counter that measures the maximum allowable elapsed time from when a test page was transmitted to when a test page was received and confirmed by the controller (See Barr, Col. 9, Lines 13-19). However, Barr does not disclose an independent transmission monitor tracking time lapsed since receipt by the independent transmission monitor of a wireless message, as recited in amended claim 1. The independent transmission monitor recited in amended claim 1 can detect the failure of the messaging controller (See Spec., Para. [0018]). The receiver disclosed in Barr is not capable of detecting a failure of the controller. Thus, Barr does not disclose each and every element of amended claim 1. Accordingly, amended claim 1 is not anticipated by Barr, and allowance of amended claim 1 is respectfully requested.

It is respectfully submitted that claims 2, 4 and 10-17, which depend either directly or indirectly from amended claim 1, are not anticipated by the cited prior art by virtue of their dependence from amended claim 1 and by the specific limitations recited therein. Accordingly, the allowance of claims 2, 4 and 10-17 is respectfully requested.

Additionally, regarding amended claim 4, Barr does not disclose that an independent transmission monitor comprises a beacon message request generator and at least one system integrity action comprises generating a beacon message request for receipt by the messaging controller, as recited in claim 4. In Barr, the

controller itself decides itself to activate an alarm condition. That is, the receiver disclosed in Barr never "tests" the controller, nor has the functionality to do so. Thus, Barr does not disclose each and every element of claim 4.

Amended claim 18 recites an independent transmission monitor that can monitor tracking time lapsed since receipt by the independent transmission monitor of any wireless message and if time lapsed before the independent monitor receiving wireless message exceeds a second predetermined period, the transmission monitor triggering at lease one system integrity action. As stated above with respect to amended claim 1, Barr does not disclose an independent transmission monitor. Furthermore, unlike the independent transmission monitor recited in amended claim 18, the receiver disclosed in Barr is not capable of detecting a failure of the controller. Accordingly, Barr does not disclose each and every element of amended claim 18. Therefore, Barr does not anticipate amended claim 18, and it is respectfully requested that amended claim 18 be allowed.

It is respectfully submitted that claims 19-29, which depend either directly or indirectly from amended claim 18, are not anticipated by the cited prior art by virtue of their dependence from amended claim 18 and by their specific limitations recited therein. Accordingly, allowance of claims 19-29 is respectfully requested.

Additionally, regarding amended claim 21, Barr does not disclose that at least one system integrity action comprises generating a message transmission request for storing and forwarding to the transmitter. Barr discloses that a controller can re-queue and re-transmit a previously transmitted page (See Barr, Col. 15, lines 31-36). However, it is respectfully submitted that generating a transmission *request*, as

recited in claim 21 and the re-queuing and re-transmitting of a page are distinct actions. It is respectfully submitted that in rejecting claim 21, the Examiner has incorrectly construed the transmission request to an external messaging system to be an actual page. Thus, Barr does not disclose each and every element of claim 21.

Claims 7-9 and 16, which depend either directly or indirectly from amended claim 1, have been rejected under 35 USC §103(a) as being unpatentable over Barr, in view of US 5,121,115 to Andros, et al. ("Andros").

For the reasons stated above with respect to amended claim 1, Barr does not disclose or suggest an independent transmission monitor, as recited in amended claim 1, from which claims 7-9 and 16 depend. The addition of Andros does not cure the aforementioned deficiencies of Barr, as Andros also does not disclose or suggest an independent transmission monitor, as recited in amended claim 1 from which claims 7-9 and 16 depend. Accordingly, Andros also does not teach or suggest the at least one system integrity action triggered by the independent transmission monitor recited in amended claim 1, from which claims 7-9 and 16 depend. Further still, Andros also does not teach or suggest tracking time lapsed since receipt by the independent transmission monitor of a wireless message, as recited in amended claim 1, from which claims 7-9 and 16 depend. Accordingly, taken individually or in combination, Barr and Andros do not teach or suggest each and every element recited in claims 7-9 and 16. Therefore, Barr and Andros taken individually or in combination cannot render claims 7-9 and 16 obvious under 35

USC §103(a). Thus, it is respectfully submitted that claims 7-9 and 16 should be allowed.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard S. Wesorick', is written over a horizontal line.

Richard S. Wesorick
Reg. No. 40,871

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, Ohio 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072
Customer No.: 26,294